

REMARKS

Claims 1-20 were pending and rejected. Claims 14, 15 and 20 are being canceled. Claims 1, 6, 9, 11 and 13 are being amended. Claims 1-13 and 16-19 are now pending. Reconsideration of the application as amended is respectfully requested.

In section 1, the Examiner rejected claims 14 and 15 under 35 USC § 112 as indefinite and claim 20 under 35 USC § 112 as incomplete. Claims 14, 15 and 20 are being canceled. Accordingly, the rejections are now moot.

In section 2, the Examiner rejected claims 1-13 and 16-20 under 35 USC 102 as anticipated by Tamer.

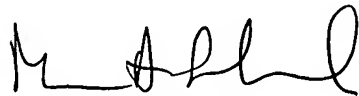
The backup procedures of the present invention are different than the backup procedures of Tamer. First, Tamer does not disclose a tertiary volume on the same storage device as a second volume. The tertiary storage in Tamer is not on the same storage device. Second, Tamer does not teach using the remote and/or local mirror functions of storage devices to effect backup procedures. Tamer employs a backup server to generate backup data from secondary storage to tertiary storage since Tamer assumes use of "Tape Silo" as tertiary storage. Third, Tamer does not teach issuing a command for splitting the third logical volume from the second logical volume on the second storage subsystem, and does not teach sending the command by the primary host via the first storage subsystem. To the contrary, Tamer describes a system where the first storage system has no control over the connection between the second volume and the tertiary storage.

Further, the restore procedures of the present invention are different than the restore procedures of Tamer. First, Tamer does not disclose restore procedures for specified files from a tertiary storage to a secondary storage. In accordance with embodiment of the present invention, a backup file is recovered from a tertiary volume to a second volume, and then synchronized with a first volume. Tamer, on the contrary, employs a backup server. Tamer recovers the backup file from a tertiary device to a first device via a communication link between the backup server and backup client, and synchronizes the data with a second device. Second, Tamer does not teach employing a bit map on a tertiary volume as well as the other volumes, or teach utilizing a mirror function of storage devices. By using a bit map and/or mirror functions, embodiments of the present invention can send differential data (instead of the entire data). The restore operation in Tamer only copies entire data files, not differential data.

Applicant respectfully requests reconsideration in view of the above amendments and remarks.

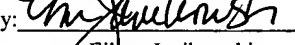
Respectfully submitted,

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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Amendment, the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on  
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By:   
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